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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 25, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ANDRES SOSA SEGURA,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

No. 2:19-CV-00219-SAB

**ORDER GRANTING
DEFENDANT'S MOTION TO
COMPEL**

Before the Court is Defendant's Motion to Compel Responses to Written Discovery and Answers to Deposition Questions, ECF No. 42. A hearing on the motion was held on August 13, 2020. Plaintiff is represented by Jennifer Chung, Aaron Korthuis, Arleen Fernandez, Lisa Nowlin, and Kenneth Payson. Defendant was represented by John Drake and Derek Taylor.

Plaintiff is suing the United States, alleging that two United States Customs and Border Protection (CBP) officers approached him at the bus station in Spokane and detained him without probable cause because he is Latino. This case has been plagued by a number of discovery disputes. The latest is Defendant's attempt to compel Plaintiff to: (1) produce records of medical treatments Plaintiff received for his alleged emotional distress; (2) answer deposition questions about what Plaintiff told his wife about the events at issue in this case during a phone call that was made in the presence of a third party; (3) provide contact information for two close

1 family members who picked Plaintiff up from the bus station and spoke to him for
2 hours shortly after he was released; and (4) answer deposition questions about how
3 he was instructed to use the Know Your Rights card given to him by his
4 immigration attorney. Defendant also seeks an award of costs for Plaintiff's second
5 deposition.

6 This Order memorializes the Court's oral rulings.

7 **1. Production of Medical Records**

8 Plaintiff is ordered to produce the requested medical records. Plaintiff should
9 request the medical records from North Idaho Community Mental Health where he
10 participated in family counseling. Plaintiff's counsel is permitted to redact
11 anything in the records regarding Plaintiff's children and wife, but anything in the
12 records that reflect what Plaintiff said should be provided. These documents shall
13 be deemed confidential.

14 **2. Questions regarding Telephone Call with Wife**

15 Plaintiff is ordered to answer questions asked by the United States about
16 what Plaintiff told his wife about the events at issue in this case during a phone call
17 that was made in the presence of his mother-in-law.

18 **3. Questions about Attorney Instructions**

19 Plaintiff is ordered to answer questions on what his attorney instructed him
20 about the use of the Know Your Rights card.

21 **4. Procedure for Responding to the United States' Questions**

22 Defendant's request for fees is denied because good faith arguments were
23 made by both parties. The parties are directed to confer to explore the possibility of
24 providing written testimony and/or conducting Plaintiff's deposition remotely. The
25 parties are encouraged to make it be as efficient and inexpensive as possible.

26 Accordingly, **IT IS HEREBY ORDERED:**

27 1. Defendant's Motion to Compel Responses to Written Discovery and
28 Answers to Deposition Questions, ECF No. 42, is **GRANTED**.

1 2. Plaintiff's Unopposed Motion to Withdraw Pending Motion for
2 Protective Order Re NICMH Subpoena Without Prejudice, ECF No. 60, is
3 **GRANTED.**

4 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order
5 and forward copies to counsel.

6 **DATED** this 25th day of August 2020.



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10 Stanley A. Bastian

11 Stanley A. Bastian
12 Chief United States District Judge
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